IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14125 of 2004

Between:

Bammidi Kameswara Rao, S/o. Laxman Rao,
R/o. Peddapadu Village, Srikakulam Mandal,
Srikakulam.

..... PETITIONER

AND

1 The Transmission Corporation of Andhra Pradesh Limited, rep by its Chair Person and Managing Director,
Vidyut Soudha, Hyderabad.
2 The Chairman & Managing Director, A.P.E.P.D.C.L., Visakhapatnam.
3 The Superintending Engineer, Operation Circle, EPDCL, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the petitioners to the posts of Junior Linemen sanctioned vide Order passed in T.O.O.(CGM-HRD) Ms.No.275 (personnel Services) and T.O.O. (CGM-HRD) Ms.NO. 262 (personnel services) dt. 1-3-2004 and 10-2-2004 respectively issued by the 1st respondent, despite the fact that the petitioner was already interviewed and having the requisite qualification, as being arbitrary, illegal and violative of Article4s 14 of the Constitution of India and consequently direct the respondents to consider the case of the petitioner to the posts of Junior Linemen as sanctioned in the above orders and pass

Counsel for the Petitioner: MR.M.VISWANADHAM

Counsel for the Respondents: Mr. Subba Rao, S.C. for A.P.E.P.D.C.L.,

The Court made the following ORDER :

The petitioner contends that he worked as a contract labour in the first respondent – Corporation from 28.11.1996 to 31.12.1998. He further contends that he is possessing the requisite qualification for absorption in regular vacancies of the respondents in terms of the Memo issued by the first respondent vide Nos. T.O.O. (CGM-HRD)Ms.No.275 (Personal Services) and T.O.O. (CGM-HRD) Ms.No.263 dated 01.03.2004 and 10.02.2004. Further, the respondents conducted interview for the post of Junior Lineman as per B.P.Ms.No.36 dated 18.05.1997 in the years 1998 and 1999 at Visakhapatnam and he attended the interview on 24.03.1999. But, the respondents did not consider the case of the petitioner at that time for the post of Junior Lineman on the ground that all the vacancies of Junior Lineman have already been filled in. Aggrieved by the same, the petitioner filed W.P.No.33358 of 1997 before this Court. On the basis of the order of this Court in the said petition, he was called for interview. However, his case was refused on the ground of non availability of vacancies. The petitioner further contends that there are 24 vacancies of Junior Lineman. Therefore, he approached this Court seeking a direction to the respondents to consider his case for appointment as a Junior Lineman on contract basis.

In the light of the circumstances explained by the petitioner, the respondents are directed to consider the case of the petitioner for taking him as a Junior Lineman on contract basis by taking into consideration his qualifications and the vacancy position and pass appropriate orders as per rules.

The writ petition is accordingly disposed of with the above directions at the admission stage. No costs.

11.08.2004

va

To

1 The Chair Person and Managing Director, Transmission Corporation of Andhra Pradesh Limited, Vidyut Soudha, Hyderabad.
2 The Chairman & Managing Director, A.P.E.P.D.C.L., Visakhapatnam.
3 The Superintending Engineer, Operation Circle, EPDCL, Vizianagaram.

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